

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EARL D. PHIFFER,

Petitioner,

v.

GREGORY GRAMS, Warden
Columbia Correctional Institution,

Respondent.

ORDER

10-cv-400-bbc

Judgment was entered in this case on February 16, 2011 in favor of respondent, Gregory Grams, denying petitioner Earl Phiffer's petition for a writ of habeas corpus. On February 22, 2011, petitioner filed a notice of appeal that I construed as a request to proceed in forma pauperis on appeal. I could not determine the amount of his initial partial payment of his filing fee for his appeal because he had not submitted a trust fund statement. Therefore, on February 28, 2011, I issued an order giving petitioner until March 15, 2011, in which to submit a certified copy of his trust fund account statement for the six-month period from approximately August 22, 2010 to approximately February 22, 2011. Because petitioner has failed to submit the required trust account statement or show cause for his

failure to do so, I will deny his request for leave to proceed in forma pauperis on the ground that he has failed to show that he is entitled to indigent status on appeal.

ORDER

IT IS ORDERED that petitioner Earl Phiffer's request to proceed in forma pauperis on appeal, dkt. #37, is DENIED. Further, IT IS ORDERED that the clerk of court insure that plaintiff's obligation to pay the \$455 filing fee for the appeal is reflected in this court's financial records.

Entered this 31st day of March, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge